

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Feb 21, 2024

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

SAMUEL MARK REED, an
individual,

Plaintiff,

v.

LUCKY LEAF LLC, a Washington
State Company; DAVID MORGAN, in
his individual and corporate capacity
and the marital community thereof;
SHILO MORGAN, in her individual
and corporate capacity and in the
marital community thereof,

Defendants.

Case No: 2:22-CV-00196-MKD

ORDER ADOPTING REPORT AND
RECOMMENDATION, GRANTING
IN PART DEFENDANTS' MOTION
FOR SUMMARY JUDGMENT,
DENYING PLAINTIFF'S MOTION
FOR SUMMARY JUDGMENT, AND
DISMISSING ACTION

ECF Nos. 19, 21, 54

Before the Court is a Report and Recommendation, ECF No. 54.

Defendants and Plaintiff have filed cross-motions for summary judgment. ECF Nos. 19, 21. The magistrate judge recommends that the Court grant summary judgment for Defendants on Plaintiff's federal claim, deny Plaintiff's Motion for Summary Judgment, and decline supplemental jurisdiction over Plaintiff's remaining state-law claims. The parties were ordered to file any objections to the

1 Report and Recommendation by February 19, 2024. To date, no party has filed
2 any objection.

3 A district court has jurisdiction to review a magistrate judge's report and
4 recommendation on dispositive matters. Fed. R. Civ. P. 72(b). Under 28 U.S.C.
5 § 636(b)(1) parties may file objections to the magistrate's findings and
6 conclusions. The "statute makes it clear that the district judge must review the
7 magistrate judge's findings and recommendations de novo if objection is made, but
8 not otherwise." *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir.
9 2003). The parties filed no objections, and the Court agrees with the magistrate
10 judge's recommendation.

11 The Court grants summary judgment for Defendants and denies summary
12 judgment for Plaintiff on Plaintiff's Fair Labor Standards Act claim.

13 The magistrate judge also recommended that the Court decline to exercise
14 supplemental jurisdiction and dismiss Plaintiff's remaining state-law claims
15 without prejudice. ECF No. 54 at 8; *see also* 28 U.S.C. § 1367(c)(3). A court must
16 provide the plaintiff "with notice and an opportunity to be heard before sua sponte
17 declining to exercise supplemental jurisdiction and dismissing" the plaintiff's
18 remaining state law claims. *Ho v. Russi*, 45 F.4th 1083, 1086 (9th Cir. 2022). The
19 report and recommendation gave the parties notice that the Court was considering
20 declining to exercise supplemental jurisdiction over the remaining state-law

1 claims. The parties had an opportunity to be heard through the objection process,
2 and they have declined.

3 “[I]n the usual case in which all federal-law claims are eliminated before
4 trial, the balance of factors to be considered under the pendent jurisdiction
5 doctrine—judicial economy, convenience, fairness, and comity—will point toward
6 declining to exercise jurisdiction over the remaining state-law claims.” *Carnegie-*
7 *Mellon Univ. v. Cohill*, 484 U.S. 343, 350 n.7 (1988); *see also Acri v. Varian*
8 *Assocs., Inc.*, 114 F.3d 999, 1001 (9th Cir. 1997). Under the circumstances
9 currently before the Court, these factors weigh in favor of declining supplemental
10 jurisdiction.

11 Accordingly, **IT IS ORDERED:**

12 **1.** The Court **ADOPTS** the Report and Recommendation, **ECF No. 54**,
13 in its entirety.

14 **2.** Defendants’ Motion for Summary Judgment, **ECF No. 19**, is
15 **GRANTED in part** as to Plaintiff’s Fair Labor Standards Act claim and
16 **DENIED in part as to Plaintiff’s state-law claims.**

17 **3.** Plaintiff’s Motion for Summary Judgment, **ECF No. 21**, is **DENIED**.

18 **4.** Plaintiff’s state law claims are **DISMISSED** without prejudice.

19 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
20 Order, provide copies to the parties, enter judgment for Defendants on Plaintiff’s

1 Fair Labor Standards Act claim only, dismiss Plaintiff's remaining claims without
2 prejudice, and CLOSE the file.

3 DATED February 21, 2024.

4 s/Mary K. Dimke
5 MARY K. DIMKE
6 UNITED STATES DISTRICT JUDGE
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